

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD VANWECHEL,)
Plaintiff,) CASE NO. C10-1554-JLR
v.)
MICHAEL ASTRUE, Commissioner of the) REPORT AND RECOMMENDATION
Social Security Administration,)
Defendants.)

Plaintiff Richard Vanwechel brought this action to seek judicial review of the denial of his applications for Disability Insurance Benefits (DIB) and Supplemental Security Income (SSI) by the Commissioner of the Social Security Administration. The parties have now stipulated that this case should be reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g). (Dkt. 22.)

Based on the stipulation of the parties, the Court recommends that this case be REVERSED and REMANDED for further administrative proceedings. The parties stipulate that, on remand: (1) the ALJ will evaluate and further develop the medical opinions of record; (2) the ALJ will obtain testimony from a medical expert to assist in determining if plaintiff's

01 disability onset date for the purposes of DIB was prior to his date last insured of December 31,
02 2008; (3) the May 27, 2009 decision finding plaintiff eligible for SSI, with an onset date of
03 February 1, 2009, will not be disturbed; (4) the ALJ will re-evaluate plaintiff's residual
04 functional capacity (RFC) as necessary; (5) the ALJ will re-evaluate plaintiff's ability to
05 perform past relevant work, or other work that exists in significant numbers in the national
06 economy, in light of plaintiff's RFC, obtaining vocational expert testimony if necessary; (6) the
07 ALJ will offer plaintiff an opportunity for a hearing; and (7) plaintiff may also present new
08 arguments and further medical evidence, if such evidence becomes available. Also, upon
09 proper application, the Court will consider plaintiff's application for attorney fees and expenses
10 pursuant to 28 U.S.C. § 2412.

11 Given the above, the Court recommends that United States District Judge James L.
12 Robart immediately approve this Report and Recommendation and order the case REVERSED
13 and REMANDED for further administrative proceedings. A proposed order accompanies this
14 Report and Recommendation.

15 DATED this 19th day of April, 2010.

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18 Mary Alice Theiler
United States Magistrate Judge
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